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Attorney for State

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA,
Plaintiff,

vs.

LIONEL SCOTT ELLISON,
Defendant.

CAUSE NO. DC 11-0767

JUDGE RUSSELL C. FAGG

**SECOND AMENDED NOTICE OF
INTENT TO CALL WITNESSES AND
INTRODUCE EVIDENCE**

Comes now, the State of Montana, by and through Special Deputy County Attorney Jameson C. Walker, for the State of Montana, and respectfully notices this Court of the State's intent to potentially call witnesses and introduce evidence in the above-captioned case.

Lay Witnesses:

1. Bancroft, Shane
Yellowstone County Sheriff's Office
219 North 26th
P.O. Box 35017
Billings, MT 59107
(406) 256-2939

Detective Bancroft investigated this case including but not limited to inspecting the Defendant's house in March 2011, pursuant to a search warrant. Detective Bancroft is anticipated to testify regarding his investigation and what he observed at the residence.

- 1 2. Harper, Cindy
2 Payne Financial Group Inc.
3 2323 2nd Ave. N.
4 P.O. Box 30638
5 Billings, MT 59107-0638

6 Ms. Harper is an insurance producer at Payne Financial Group. She initially took
7 the Defendant's claim that vandalism caused damage to his home. She was present
8 when the Defendant called the insurance company repeated his claim. Ms. Harper is
9 anticipated to testify regarding the Defendant's representations to the insurance
10 company and to her.

- 11 3. Norman, Jennifer
12 Payne Financial Group Inc.
13 2323 2nd Ave. N.
14 P.O. Box 30638
15 Billings, MT 59107-0638

16 Ms. Norman is an insurance producer at Payne Financial Group and was the
17 Defendant's insurance producer. Ms. Norman received and reviewed photographs
18 that the Defendant submitted on behalf of his claim. Ms. Norman is anticipated to
19 testify regarding what the Defendant told her, her handling of his claim, and to
20 testify regarding the photographs submitted to her by the Defendant.

- 21 4. Johnson, Ryan
22 Travelers Insurance Company
23 RNCHO Cord Clm A260
24 P.O. Box 15439
25 Sacramento, CA 958510439

Mr. Johnson was a claims representative for the insurance company. He surveyed
the damage to the Defendant's home on or about February 15, 2011, with the
Defendant. Mr. Johnson handled the Defendant's insurance claim. Mr. Johnson is
anticipated to testify regarding what he observed at the house and what the
Defendant told him in support of his insurance claim.

5. Rex, Jim
Ron Maki Investigations
P.O. Box 50193
Billings, MT 59105

Mr. Rex is an investigator who works for insurance companies. Mr. Rex
interviewed the Defendant who again claimed that vandals caused the damage to his
house and stole items. Specifically, the Defendant informed Mr. Rex that vandals
plugged the sinks with rags and turned the water on. Mr. Rex is anticipated to testify
regarding what the Defendant told him in support of the insurance claim.

6. Any witness identified or called by the Defendant or the State through Discovery.

1 7. Any witness called by the Defendant

2 8. Any rebuttal witness as necessary.

3
4 Expert Witnesses:

5 9. Robert Tehle.
6 Master Plumber
7 Alpine Plumbing, Heating, & Cooling
8 306 Moore Lane,
9 Billings, MT 59101

10 Mr. Tehle will testify as an expert concerning the water damage to the house
11 located at 2475 S 17 Rd, in Ballantine, Montana. Mr. Tehle will testify that
12 plugged sinks and fixtures did not cause damage to the house. Mr. Tehle will
13 testify as to the cause of the damage in the house, specifically, broken pipes.

14 Exhibits:

15 1. Photographs Defendant submitted to the insurance company:

- 16 a. Broken Dishwasher (15:24)
17 b. Downstairs Ceiling 2 (15:23)
18 c. Downstairs Ceiling (15:20)
19 d. Graffiti in Bathroom (15:38)
20 e. Ruined Carpet (15:26)
21 f. Stollen (*sic*) Refrigerator&Trim (*sic*) missing (15:24)
22 g. Wall Graffiti 2 (15:37)
23 h. Wall Graffiti 3 (15:38)
24 i. Wall Graffiti (15:37)
25 j. 056 (15:27)
 k. 057 (15:27)
 l. 067 (15:30)

 2. Photographs taken pursuant to a search warrant on March 9, 2011.

- a. IMG_1970
 b. IMG_1971
 c. IMG_1973
 d. IMG_1976
 e. IMG_1977
 f. IMG_1979
 g. IMG_1984
 h. IMG_1986
 i. IMG_1988
 j. IMG_1989
 k. IMG_1996
 l. IMG_1997
 m. IMG_2001
 n. IMG_2003

1 3. Travelers Estimate damage report prepared by Ryan Johnson, completed April 1,
2 2011. (Bates 267 – 288)

3 4. Travelers Claim Summary (Bates 294).

4 5. Photographs taken by Ryan Johnson on February 15, 2012.

- 5 a. HGN3333001_12
- 6 b. HGN3333001_17
- 7 c. HGN3333001_25
- 8 d. HGN3333001_48
- 9 e. HGN3333001_49
- 10 f. HGN3333001_50
- 11 g. HGN3333001_57
- h. HGN3333001_60
- i. HGN3333001_72
- j. HGN3333001_74
- k. HGN3333001_75
- l. HGN3333001_76
- m. HGN3333001_77
- n. HGN3333001_80
- o. HGN3333001_82

12 6. Demonstrative exhibits may be used showing any exhibit identified by the State.

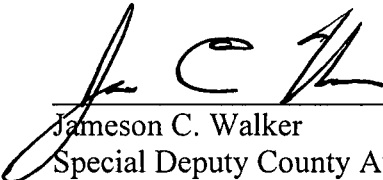
13 7. Any exhibits listed by the Defendant.

14 8. Any exhibit in conjunction with rebuttal witnesses.

15 9. Any exhibits provided to the Defendant through Discovery.

16 The State has provided all exhibits through Discovery. The State may present additional
17 exhibits at the pre-trial conference, if any, if necessary.

18 Date this 2nd day of April, 2013.

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21 Jameson C. Walker
22 Special Deputy County Attorney
23 Yellowstone County, Montana
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Joan Barber, Legal Secretary